

William A. Brown
Senior Counsel

SBC Telecommunications, Inc.

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DEC 11 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 11, 2000

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room TW-A325
445 12th Street, S.W.
Washington, D.C. 20554

**Re: In the Matter of Telecommunication Relay Services and Speech-to-Speech
Services for Individuals with Hearing and Speech Disabilities, CC: Docket No.
98-67**

Dear Ms. Salas:

Enclosed for immediate filing is an original plus four copies of the SBC
Communications, Inc.'s Request for Temporary Waiver in the above referenced matter.

Sincerely,

William A. Brown by msk

William A. Brown
Senior Counsel

CC: See attached Certificate of Service

No. of Copies rec'd 0+4
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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

DEC 11 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Telecommunications Relay Services and Speech-
to-Speech Services for Individuals with Hearing
and Speech Disabilities

CC Docket No. 98-67

**SBC COMMUNICATIONS INC.'s
REQUEST FOR TEMPORARY WAIVER**

SBC Communications Inc. (SBC), on behalf of its wholly owned operating companies,¹
files its Request for Temporary Waiver, showing as follows:

INTRODUCTION

In its first order in this docket (TRS Order), the Commission set new performance standards for TRS Centers.² Among these newly heightened standards were requirements that all Communications Assistants (CAs) “must provide a typing speed of a minimum of 60 words per minute” and that TRS providers “must give oral-to-type tests of CA speed.”³ Commission Rule 64.604(a)(1). These requirements go into effect on December 18, 2000.

SBC seeks a temporary waiver of the 60-wpm typing requirement. Specifically, SBC requests that the Commission give SBC’s operating companies until May 31, 2001 in which to comply fully with this performance standard. While many of SBC’s CAs are meeting this requirement, there are numerous incumbent CAs with considerable seniority who have not yet

¹ The Ameritech companies (Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, Wisconsin Bell Telephone Company); and, Southwestern Bell Telephone Company.

² *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 00-56 (rel. March 6, 2000)(TRS Order).

³ TRS Order, Appendix B: Final Rules, § 64.604(a)(1). *See*, TRS Order, ¶¶ 63 – 64.

passed SBC's newly instituted oral-to-text typing test, indicating they have not yet reached this standard. Full compliance will call for additional testing, training or re-training employees, and, if necessary and possible, replacing employees.

Additionally, the Commission has directed that

Providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately provides the nearest Public Safety Answering Point (PSAP) with the caller's telephone number.⁴

SBC's operating companies have been working with a vendor to develop the hardware and software to meet the obligations of this rule. To meet this requirement the TRS Centers have to be able to integrate a database look-up system into their current operations. SBC's best estimate is that the system would not be ready for implementation until at least May 15, 2001, at the earliest. As this is an estimate based in large measure on the representations of the vendor, SBC cannot guarantee this date. SBC seeks a temporary waiver of this requirement until May 15, 2001; however, it acknowledges that it might be necessary to seek yet another temporary waiver should the vendor not fulfill its commitments.

ARGUMENT

A. Typing Standards

After considerable hard work, SBC replaced its former text-to-text typing test with a new and appropriate oral-to-text typing test. In spite of its best efforts, however, SBC was not able to bring this new typing test on line until recently. This has meant that SBC has been unable to adequately prepare its incumbent CAs for the new 60-wpm typing performance standard.

SBC's TRS centers are staffed by employees, some in rural communities, working under collective bargaining agreements. For example, Ameritech's TRS centers, which are not atypical, are located in Birmingham and Dearborn, Michigan. Presently, 149 employees covered by the AIT-CWA Collective Bargaining Agreement staff the combined centers. If these employees do not meet the strict 60-wpm typing standard, they could become unqualified and out of a job.

⁴ 47 C.F.R. § 64.604(a)(4).

That result, in turn, would seriously degrade Ameritech's ability to adequately staff the TRS centers. In addition, due to the lack of qualified applicants, the failure of incumbent employees to pass the oral-to-text typing test could negatively impact customer service, and harm those whom the law is intended to assist. Further, reassignment possibilities for those newly-unqualified employees would require a change in location, which could further inconvenience SBC's employees and could cause displacement of other trained employees. SBC would also need to hire and train others, to replace unqualified employees, for the TRS centers.⁵

SBC wants to give its incumbent employees every reasonable opportunity to meet the new typing standard. The SBC operating companies will be held to a strict standard of fairness to these employees under their collective bargaining agreements. Aside from any legal barrier that might exist, this desire has practical implications. Should SBC have to remove these incumbent employees from their present CA positions, they would be hard to replace and there is no evidence that the pool of potential replacements would fair any better under the new 60-wpm typing standard. In short, it is better for the employees and the customers of these TRS centers for SBC to give the incumbent CAs every reasonable opportunity to meet the new 60-wpm typing standard. To do this, SBC will have to keep these incumbent employees in place, serving customers, in spite of their failure to meet the new typing standard as measured by the oral-to-text typing test, and to train and test these employees over a period of three months. Should SBC fail in its efforts to improve the typing speed of these CAs, SBC will then have to try to hire and train replacements. Either way, SBC estimates that it will need until May 31, 2001, before it can fully comply with the new typing standard for all its CAs.

B. Emergency Calls

With respect to the obligations under Commission Rule 64.604(a)(4) — handling of emergency calls — SBC seeks a temporary waiver until at least May 15, 2001. The SBC operating companies are working with a vendor who is developing a technical solution that will

⁵ See Declaration of Deborah J. Schwarz and Declaration of Patricia Kirk, attached to this request.

allow the TRS Centers to meet this obligation. But, based on the vendor's present best estimate of completion of this solution, the operating companies will not be able to perform this automatic association of the nearest PSAP with the caller's telephone number before May 15, 2001. See, the Declaration of James G. Gorman, attached. The operating companies have to rely upon a vendor to provide the technological solution to this requirement. Given the vendor's present best estimate of the availability of the solution, SBC respectfully requests a temporary waiver of the Rule 64.604(a)(4) requirement through May 15, 2001. Admittedly, SBC cannot guarantee compliance by this date but it is presently confident that the vendor can meet its commitment.⁶

CONCLUSION

WHEREFORE, SBC Communications Inc. respectfully requests a temporary waiver of these performance standards. Specifically, SBC Communications Inc. requests that, at a minimum, the performance standards applicable to typing speed not be applied to SBC's operating companies until May 31, 2001. With respect to the handling of emergency calls, Commission Rule 64.604(a)(4), SBC seeks a temporary waiver through May 15, 2001.

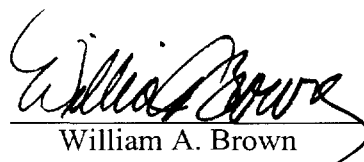
Respectfully submitted,

SBC COMMUNICATIONS INC.

On Behalf of

The Ameritech Operating Companies
Southwestern Bell Telephone Company

By:


William A. Brown

William A. Brown
Roger K. Toppins
Paul Mancini

⁶ Sprint Communications Company, L.P., filed a similar "motion" for a limited temporary waiver with the Commission on November 7, 2000.

SBC Telecommunications, Inc.
1401 I Street, N.W.
Suite 1100
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Telephone: (202) 326-8904
Facsimile: (202) 408-8745

Its Attorneys

December 11, 2000

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services)	
And Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech)	
Disabilities)	

DECLARATION OF DEBORAH J. SCHWARZ

Deborah J. Schwarz deposes and says as follows:

1. My name is Deborah J. Schwarz. I am a Director – Labor Relations for Ameritech Services, Inc. (AIT), which is a wholly owned subsidiary of SBC Communications Inc. I make this declaration of my own personal knowledge and with the understanding that it will be used in connection with a Request for Temporary Waiver to be filed with the Commission in the above-referenced docket. I know of no legal impediments to my making this declaration on behalf of the Petitioner.

2. In my position, I am responsible for providing advice and counsel to the Ameritech operating companies' leadership on labor relations matters, negotiating labor agreements with the Communications Workers of America (CWA) and the International Brotherhood of Electrical Workers (IBEW), and supporting management in grievance and labor arbitrations.

3. After the release of the final rules adopted by this Commission in CC Docket No. 98-67, *Telecommunications Relay Services for Individual with Hearing and Speech Disabilities*, I participated in the efforts of the SBC subsidiaries to achieve compliance with those regulations. To this end, I am aware of hiring a vendor to develop and supply us with a new oral-to-text typing test. This test gauges an employee's ability to meet the 60-words-per-minute typing speed required by the new regulations. A considerable amount of time and effort was spent on

assisting the vendor in the development of this test. Existing text-to-type typing tests were not appropriate for the provisions of the final rules relating to the telecommunications relay service (TRS) center environment.

4. Once the oral-to-text typing test was developed, it needed to be field tested. The oral-to-text typing test represented a major departure from the standard typing test used to measure the typing speed of our Communications Assistants (CAs). Before the enactment of these new regulations, our employees were tested with text-to-text typing tests. They were required to type 45 words per minute.

5. In order to assist our incumbent CAs with meeting the typing speed requirement of 60 words per minute, we conducted pilot testing on them and researched software and teaching methods to help them be successful with the new test. Recent oral-to-text typing test results have varied slightly among the SBC TRS centers. In the Ameritech TRS centers, a little under 50% of the incumbent employees failed the test; that is, they did not attain 60 words per minute as measured by the new test.

6. Ameritech's TRS centers are located in Birmingham and Dearborn, Michigan. Presently, 149 employees covered by the AIT-CWA Collective Bargaining Agreement staff the combined Centers. If these employees do not meet the strict 60-wpm typing standard, they could become unqualified and out of a job. That result, in turn, would seriously degrade Ameritech's ability to adequately staff the TRS centers. In addition, due to the lack of qualified applicants, the failure of incumbent employees to pass the oral-to-text typing test could negatively impact customer service, and harm those whom the law is intended to assist. Further, reassignment possibilities for those newly-unqualified employees would require a change in location, which could further inconvenience our employees and could cause displacement of other trained employees. There would also be a need to hire and train others, to replace unqualified employees, for the TRS centers.

7. In order to get incumbent employees typing at the 60-wpm standard and, if necessary, to replace any failing incumbent employees with new hires who can meet the typing standard, we

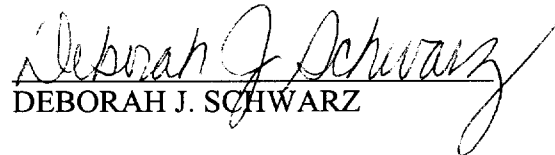
estimate that we will need until at least May 31, 2001. In spite of our best efforts, the first test results were not available until November 30, 2000. The first re-test was started on December 4, 2000. I expect the results of that test late this week. We will not be able to conduct the next re-test until December 11, 2000. After that, it would not be wise or practical to re-test incumbent employees for another month (or until January 11, 2001). We will continue to allow employees to practice for the final retest on or about March 2001. If incumbent employees fail this final test, I would then request replacement employees. This hiring process would take approximately four to five weeks. In addition to hiring these new employees, we would also need to train them. Our present best estimate of this process is that, assuming we will have to replace some incumbent employees, we could not get that accomplished before the end of May 2001.

8. The requested temporary waiver of the 60-words-per-minute typing test is reasonable in light of our efforts to comply with the Commission's regulations, the impact those regulations will have on our incumbent CAs, and the problems with hiring and training new CAs who can perform at that level. If we are not given additional time in which to train, test, and, if necessary, replace our incumbent CAs, service to our customers will be adversely affected. As it stands now, we believe that, given this additional time, we can train, test, and, if necessary, replace our incumbent CAs in such a fashion as to maintain our quality service to our customers without disruptions.

9. Although the final rules are well intended, they also present several unintended and negative consequences. The economic survival of several employees in the TRS centers unfortunately hangs in the balance while we endeavor to test and improve their typing speeds. If we were held to the present deadline for typing speeds, we could have serious disruptions in service caused by the displacement of incumbent CAs with years of service to the company. As replacement CAs would be difficult to hire, it is better to focus on improving the skills of the incumbent employees.

10. I declare under penalty of perjury that the forgoing is true and correct.

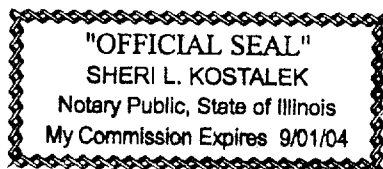
Executed this 8 day of December 2000.



DEBORAH J. SCHWARZ

State of Illinois
County of Cook

This Declaration was acknowledged before me on December 8, 2000

by Deborah J. Schwarz




Notary

My commission expires: 9/1/04

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services)	
And Speech-to-Speech Services for)	CC Docket No. 98-67
Individuals with Hearing and Speech)	
Disabilities)	

DECLARATION OF PATRICIA W. KIRK

Patricia W. Kirk deposes and says as follows:

1. My name is Patricia W. Kirk. I am a Director – Labor Relations for SBC Communications Services Inc. I make this declaration of my own personal knowledge and with the understanding that it will be used in connection with a Request for Temporary Waiver to be filed with the Commission in the above-referenced docket. I know of no legal impediments to my making this declaration on behalf of the Petitioner.

2. In my position, I am responsible for providing advice and counsel to Southwestern Bell Telephone Company's leadership on labor relations matters, negotiating labor agreements with the Communications Workers of America (CWA), and supporting management in labor arbitrations.

3. After the release of the final rules adopted by this Commission in CC Docket No. 98-67, *Telecommunications Relay Services for Individual with Hearing and Speech Disabilities*, I participated in the efforts of the SBC subsidiaries to achieve compliance with those regulations. To this end, I am aware of SBC's hiring a vendor to develop and supply us with a new oral-to-text typing test. This test gauges an employee's ability to meet the 60-words-per-minute typing speed required by the new regulations. A considerable amount of time and effort was spent on assisting the vendor in the development of this test. The new regulations required us to change our tests from text-to-text to oral-to-text.

4. Once the oral-to-text typing test was developed, it needed to be field-tested. The oral-to-text typing test represented a major departure from the standard typing test used to measure the typing speed of our Kansas Relay Center's (KRC) operators. Before the enactment of these new regulations, our KRC employees were qualified with text-to-text typing tests. They were required to type 45 words per minute.

5. In order to assist our incumbent operators with meeting the typing speed requirement of 60 words per minute, we conducted pilot testing on them and researched software and teaching methods to help them succeed with the new test. Recent oral-to-text typing test results have varied slightly among the SBC TRS centers. In the Southwestern Bell Telephone Company (Southwestern Bell) KRC, 40% of the incumbent employees failed the test; that is, they did not attain 60 words per minute as measured by the new test.

6. Southwestern Bell's KRC is located in Lawrence, Kansas. Presently, 95 employees covered by the SWBT-CWA Collective Bargaining Agreement staff the center. If these employees do not meet the strict 60-wpm typing standard, they could become unqualified and out of a job. That result, in turn, would seriously degrade Southwestern Bell's ability to adequately staff the KRC. In addition, due to the lack of qualified applicants, the failure of incumbent employees to pass the oral-to-text typing test could negatively impact customer service and harm those whom the law is intended to assist. Further, reassignment possibilities for those newly-unqualified employees would be minimal and could require a change in location, which could further inconvenience our employees and possibly result in the loss of a job due to an inability to relocate. There would also be a need to hire and train others, to replace unqualified employees, for the KRC.

7. In order to get incumbent employees typing at the 60-wpm standard and, if necessary, to replace any failing incumbent employees with new hires who can meet the typing standard, we estimate that we will need until at least May 31, 2001. In spite of our best efforts, the first test results were not available until November 30, 2000. The first re-test was started on December 4,

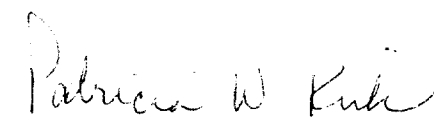
2000. We will not be able to conduct the next re-test until December 11, 2000. After that, the next re-test for incumbent employees would take place on or about January 11, 2001. We can administer a final re-test in March 2001. If incumbent employees fail this final test, only then can we request replacement employees. This hiring process would take approximately four to five weeks. In addition to hiring these new employees, we would also need to train them. Our present best estimate of this process is that, assuming we will have to replace some incumbent employees, we could not get that accomplished before the end of May 2001.

8. The requested temporary waiver of the 60-words-per-minute typing test is reasonable in light of our efforts to comply with the Commission's regulations, the impact those regulations will have on our incumbent operators, and the problems with hiring and training new operators who can perform at that level. If we are not given additional time in which to train, test, and, if necessary, replace our incumbent operators, service to our customers will be adversely affected. As it stands now, we believe that, given this additional time, we can train, test, and, if necessary, replace our incumbent operators in such a fashion as to maintain our quality service to our customers without disruptions.

9. Although the final rules are well intended, they also present several unintended and negative consequences. The economic survival of several employees in the KRC unfortunately hangs in the balance while we endeavor to test and improve their typing speeds. If we were held to the present deadline for typing speeds, we could have serious disruptions in service caused by the displacement of incumbent operators with years of service to the company. As replacement operators would be difficult to hire, it is better to focus on improving the skills of the incumbent employees.

10. I declare under penalty of perjury that the forgoing is true and correct.

Executed this 8th day of December 2000.



PATRICIA W. KIRK

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Telecommunications Relay Services and Speech-
to-Speech Services for Individuals with Hearing
and Speech Disabilities

CC Docket No. 98-67

DECLARATION OF GRETCHEN J. VENDITTO

Gretchen J. Venditto deposes and says:

1. My name is Gretchen J. Venditto. I am a Senior Consultant with Human Resources Research (HR Research) for SBC Services, Inc. I make this declaration of my own personal knowledge and with the understanding that it will be used in connection with a Request for Temporary Waiver to be filed with the Federal Communications Commission (Commission) in the above-referenced docket. I know of no legal impediments to my making this declaration on behalf of the Petitioner.

2. HR Research is responsible for the development, validation, and implementation of employment hiring procedures for the affiliates and subsidiaries of SBC Communications Inc. (SBC). In my position, I perform these tasks for HR Research.

3. When HR Research became aware of the Commission's oral-to-type mandate, we began to search for a vendor that could create an oral-to-type test for the telecommunications relay service (TRS) centers operated by or on behalf of SBC's operating companies. I also visited the Southwestern Bell Telephone Company (SWBT) TRS center in Lawrence, KS in order to observe the relay center jobs and to make sure that the test we chose was appropriate for these positions. Once a vendor and test were chosen, we made several adjustments to the test in order to match the test as closely as possible to the requirements of the job.

4. During November 2000, a pilot of the oral-to-type test was conducted on incumbents in the Ameritech (Birmingham and Dearborn) and SWBT (Lawrence) TRS centers. Across all three centers, we tested 224 incumbents, of which 131 (58%) qualified at the 60 words per minute threshold. Of the 93 (42%) incumbents that did not qualify, 65 (70%) of them scored in the 50-to-59-word-per-minute range.

5. On December 4, 2000, SBC implemented this oral-to-type test with a 60-words-per-minute requirement. The TRS centers for both SWBT and the Ameritech operating companies require this test for incumbent employees, as well as any transfers and new hires.

6. I declare under penalty of perjury that the foregoing is true and correct.
Executed this 8th day of December 2000.


GRETCHEN J. VENDITTO

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Telecommunications Relay Services and Speech-
to-Speech Services for Individuals with Hearing
and Speech Disabilities

CC Docket No. 98-67

DECLARATION OF JAMES G. GORMAN

James G. Gorman deposes and says:

1. My name is James G. Gorman. I am the Area Manager – Facilities Administration for Southwestern Bell Telephone Company (SWBT). In that position, I am responsible for designing, procuring, and implementing the hardware and software necessary to meet the Federal Communications Commission’s (Commission) mandates included in the CC Docket No. 98-67 for both the Kansas Relay Center (serving the states of Kansas and Arkansas) and the Michigan Relay Center (serving the state of Michigan). I make this declaration of my own personal knowledge and with the understanding that it will be used in connection with a Request for Temporary Waiver to be filed with the Commission in the above-referenced docket. I know of no legal impediments to my making this declaration on behalf of the Petitioner.

2. I have reviewed the final rules adopted by the Commission in CC Docket No. 98-67, *Telecommunications Relay Services for Individual with Hearing and Speech Disabilities*. The rules require Telecommunications Relay Service (TRS) providers to implement a means of “matching a caller’s phone number with the appropriate PSAP [Public Safety Answering Point] electronically and transferring the call to the PSAP with two keystrokes.” The only way to meet

this requirement is to integrate a database lookup system into the current operation of the Kansas and Michigan Relay Centers.

3. We have been coordinating with the hardware and software vendor for Kansas and Michigan TRS Centers to develop database and application design criteria. This process was completed on October 30, 2000. The vendors current best estimate to complete the work is March 15, 2001. Testing and implementation of the database will require approximately six to eight weeks. The company plans to trial the implementation as soon as it is available in March 2001; however, there may be corrections or changes required that will take the system off-line for a period of time. This would place the final conversion date at no sooner than May 15, 2001, and possibly later.

4. The company's current methods and procedures for both the Kansas and Michigan TRS centers require operators to give the highest priority to emergency calls. Both TRS centers use a manual process to look up either the PSAP or the emergency agency based upon the calling party's telephone number. At this point, the operator connects to the PSAP/agency and relays the call. If the calling party does not stay on the line, the operator passes the calling telephone number to the PSAP/agency. Significantly, neither the Kansas or Michigan TRS centers have received any complaints about the handling of emergency calls. To the best of my knowledge, the state TRS administrators for Kansas, Arkansas, or Michigan have not received any complaints either.

6. I declare under penalty of perjury that the foregoing is true and correct.
Executed this 16th day of November 2000.

 11/16/00
JAMES G. GORMAN

CERTIFICATE OF SERVICE

I, Loretia Hill, do hereby certify that on this 11th day of December, 2000, a copy of the foregoing "Request of Temporary Waiver" was served by hand delivery to the parties below.

Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

ITS
445 12th Street SW
Ground Floor
Washington, DC 20554

Dorothy Atwood
Common Carrier Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Karen Peltz Strauss
Enforcement Bureau
Federal Communications Commission
445th 12th Street SW
Washington, DC 20554

A handwritten signature in cursive script, appearing to read "Loretia Hill", written in black ink.

Loretia Hill